

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

CHRISTOPHER JAMES WALKER, on
behalf of himself and all others similarly
situated,

Plaintiff,

v.

**HIGHMARK BCBSD HEALTH
OPTIONS, INC.; COTIVITI, INC.**

Defendant.

Civil Case No.: 20-cv-1975
Hon. Christy Criswell Wiegand

**DECLARATION OF CAMERON R. AZARI, ESQ. ON IMPLEMENTATION AND
ADEQUACY OF NOTICE PLAN AND NOTICE**

I, Cameron R. Azari, Esq., hereby declare and state as follows:

1. My name is Cameron R. Azari, Esq. I have personal knowledge of the matters set forth herein, and I believe them to be true and correct.

2. I am a nationally recognized expert in the field of legal notice, and have served as an expert in hundreds of federal and state cases involving class action notice plans.

3. I am a Senior Vice-President of Epiq Class Action and Claims Solutions, Inc. (“Epiq”) and the Director of Legal Notice for Hilsoft Notifications, a firm that specializes in designing, developing, analyzing, and implementing large-scale, un-biased, legal notification plans. Hilsoft Notifications is a business unit of Epiq.¹

4. This declaration describes the successful implementation of the Settlement Notice Plan (“Notice Plan”) and notices (the “Notice” or “Notices”) for *Walker v. Highmark BCBSD Health Options, Inc.; Cotiviti, Inc.*, Case No. 20-cv-1975, in the United States District Court for the Western District of Pennsylvania. I previously executed my *Declaration of Cameron R. Azari, Esq. on Notice Plan and Notice* on November 18, 2022, which described the Notice Plan, detailed

¹ References to Epiq in this declaration include Hilsoft Notifications.

Hilsoft's class action notice experience, and attached Hilsoft's *curriculum vitae*. I also provided my educational and professional experience relating to class actions and my ability to render opinions on overall adequacy of notice programs.

OVERVIEW

5. On December 13, 2022, the Court approved the Notice Plan designed by Hilsoft in the *Order Granting Plaintiffs' Motion to Certify the Class for Settlement Purposes and for Preliminary Approval of Class Action Settlement* ("Preliminary Approval Order"). In the Preliminary Approval Order, the Court preliminarily certified the following Settlement Class:

- A. During the Class Period, all persons within the United States who are subscribers or primary users of a cellular telephone number to which Defendant Highmark BCBS Health Options Inc. placed (or had placed on its behalf by Defendant Cotiviti, Inc.) a telephone call using a pre-recorded or artificial voice,
 - 1) when such a call to that telephone number had previously resulted in (a) a "WRONG_NUMBER" disposition or (b) a "MSG_DECLINED" disposition without a subsequent disposition of "CORRECT_PERSON" or "MSG_HUMAN" and
 - 2) when at least one subsequent call to that telephone number had the disposition "WRONG_NUMBER", "MSG_MACHINE", "CORRECT_PERSON", "MSG_HUMAN", "HANGUP", "NO_CONTINUE", or "MSG_DECLINED".
- B. Excluding those persons who *only* received calls as part of a COVID Campaign, as well as Defendants and any entities in which Defendants have a controlling interest; Defendants' agents and employees; any Judge and Magistrate Judge to whom this action is assigned and any member of their staffs and immediate families.

6. I have reviewed the Settlement Agreement and understand that the defined terms used in the definition of the Settlement Class and subsequent exclusion from the Settlement Class mean the following. "Class Period" means "November 30, 2016, through Preliminary Approval." "COVID Campaign" means "a campaign identified in Defendants' records as:

- (a) HHO_COVIDVAC_SP;

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- (b) HHO_COVIDVAC_PEDI_SP;
- (c) HHO_COVIDVAC_REM_ADULT_SP;
- (d) HHO_COVIDVAC_REM_PEDI_SP; and
- (e) HHO_RM_CALL_SP.”

7. After the Court’s Preliminary Approval Order was entered, we began to implement the Notice Plan. This declaration will detail the notice activities undertaken and explain how and why the Notice Plan was comprehensive and well-suited to the Settlement Class. This declaration will also discuss the administration activity to date. The facts in this declaration are based on my personal knowledge, as well as information provided to me by my colleagues in the ordinary course of my business at Epiq.

NOTICE PLAN SUMMARY

8. Federal Rule of Civil Procedure, Rule 23 directs that notice must be the best notice practicable under the circumstances and must include “individual notice to all members who can be identified through reasonable effort.” The Notice Plan satisfied these requirements.

9. The Notice Plan was designed to reach the greatest practicable number of Settlement Class Members. The Notice Plan individual notice efforts reached at least 90% of the identified Settlement Class. The reach was further enhanced by a Settlement Website. In my experience, the reach of the Notice Plan was consistent with other court-approved notice plans, was the best notice practicable under the circumstances of this case, and satisfied the requirements of due process, including its “desire to actually inform” requirement.²

CAFA NOTICE

10. On November 23, 2022, Epiq sent 58 CAFA Notice Packages (“CAFA Notice”) on behalf of Defendants Highmark BCBS Health Options, Inc. and Cotiviti, Inc. as required by the

² *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 315 (1950) (“But when notice is a person’s due, process which is a mere gesture is not due process. The means employed must be such as one desirous of actually informing the absentee might reasonably adopt to accomplish it. The reasonableness and hence the constitutional validity of any chosen method may be defended on the ground that it is in itself reasonably certain to inform those affected . . .”).

federal Class Action Fairness Act of 2005 (CAFA), 28 U.S.C. § 1715. The CAFA Notice was mailed via United States Postal Service (“USPS”) certified mail to 57 officials (the Attorneys General of each of the 50 states, the District of Columbia, the United States Territories, and the Delaware Insurance Commissioner). The Notice was also sent via United Parcel Service (“UPS”) to the Attorney General of the United States. Details regarding the CAFA Notice mailing are provided in the *Declaration of Stephanie J. Fiereck, Esq. on Implementation of CAFA Notice*, dated November 23, 2022, which is included as **Attachment 1**.

NOTICE PLAN

Individual Notice

11. On November 10, 2022, Epiq received one data file containing 7,403 records that included telephone number information for identified Settlement Class Members. Subsequently, on November 22, 2022, Epiq received one additional data file, which provided supplemental information regarding the telephone calls made for the 7,403 telephone numbers. After receipt of the data, all 7,403 telephone numbers were sent to TransUnion to perform “reverse lookups” by using their extensive databases. By completing a simple database search of each telephone number provided, TransUnion was able to match the telephone numbers to identify the most likely current physical mailing address(es) for potential Settlement Class Members. If multiple names and/or addresses were associated with a telephone number as a result of the reverse lookups process, this information was provided to Epiq. As a result of these efforts, 7,736 names and addresses were returned. This Settlement Class Member data was used to provide individual notice to all 7,736 names and addresses.

Individual Notice – Direct Mail

12. On January 20, 2023, Epiq sent 7,736 Notice Packages (Class Notice and Known Settlement Class Member Claim Form with a postage, prepaid return envelope) to all identified Settlement Class Members with an associated physical address(es). The Notice Packages were sent via USPS first-class mail. The Class Notice included in the Notice Package clearly and

DECLARATION OF CAMERON R. AZARI, ESQ. ON IMPLEMENTATION AND ADEQUACY OF NOTICE PLAN AND NOTICE

concisely summarized the case, the Settlement, and the legal rights of the Settlement Class Members. The Notice Package included a postage, prepaid return envelope, allowing Settlement Class Members to complete and submit a claim at no cost to them. In addition, the Class Notice directed the recipients to the Settlement Website where they could access additional information. The Class Notice is included as **Attachment 2**. The Known Settlement Class Member Claim Form is included as **Attachment 3**.

13. Prior to sending the Notice Packages, all mailing addresses were checked against the National Change of Address (“NCOA”) database maintained by the USPS to ensure Settlement Class Member address information is up-to-date and accurately formatted for mailing.³ In addition, the addresses were certified via the Coding Accuracy Support System (“CASS”) to ensure the quality of the zip code, and were verified through Delivery Point Validation (“DPV”) to verify the accuracy of the addresses. This address updating process is standard for the industry and for the majority of promotional mailings that occur today.

14. The return address on the Notice Packages was a post office box that Epiq maintains for this case. The USPS automatically forwarded the Notice Package with an available forwarding address order that had not expired (“Postal Forwards”). Notice Packages returned as undeliverable were re-mailed to any new address available through USPS information, (for example, to the address provided by the USPS on returned mail pieces for which the automatic forwarding order has expired, but is still within the time period in which the USPS returns the piece with the address indicated), and to better addresses that were found using a third-party lookup service. Upon successfully locating better addresses, Notice Packages were promptly remailed. As of April 13, 2023, Epiq has re-mailed 64 Notice Packages where a forwarding address was provided, or a better

³ The NCOA database is maintained by the USPS and consists of approximately 160 million permanent change-of-address (COA) records consisting of names and addresses of individuals, families, and businesses who have filed a change-of-address with the Postal Service™. The address information is maintained on the database for 48 months and reduces undeliverable mail by providing the most current address information, including standardized and delivery-point-coded addresses, for matches made to the NCOA file for individual, family, and business moves.

address was identified using a third-party lookup service.

15. Additionally, a Class Notice and an Unknown Settlement Class Member Claim Form Notice Package were mailed to all persons who requested one via the toll-free telephone number or by mail. As of April 17, 2023, 19 Unknown Settlement Class Member Notice Packages have been mailed as a result of such requests. The Unknown Settlement Class Member Claim Form is included as **Attachment 4**.

Notice Results

16. As of April 17, 2023, a Notice Package was delivered to 7,683 of the 7,736 unique, identified Settlement Class Members. This means the individual notice efforts reached approximately 99.3% of the identified potentially Settlement Class Members.

Settlement Website

17. On January 10, 2023, Epiq established a dedicated website for the Settlement with an easy to remember domain name (www.HHOTCPASettlement.com). Relevant documents, including the Class Notice (in English and Spanish), Unknown Settlement Class Member Claim Form, Settlement Agreement, Complaint, Motion for Preliminary Approval, Preliminary Approval Order, and Motion for Attorneys' Fees and Costs are posted on the Settlement Website. The Settlement Website also provides the ability for Settlement Class Members to file an online Claim Form. In addition, the Settlement Website includes relevant dates, answers to frequently asked questions ("FAQs"), instructions for how Settlement Class Members may opt-out (request exclusion) from or object to the Settlement, contact information for the Claims Administrator, and how to obtain other case-related information. The Settlement Website address was prominently displayed in all notice documents. Settlement Class Members were also able to file a Claim Form on the Settlement Website. The Class Notice in Spanish is included as **Attachment 5**.

18. As of April 17, 2023, there have been 8,160 unique visitor sessions to the Settlement Website and 36,085 website pages presented.

Toll-Free Number and Other Contact Information

19. On January 10, 2023, a toll-free telephone number (1-800-944-1017) was also established for the Settlement. Callers are able to hear an introductory message and also have the option to learn more about the Settlement in the form of recorded answers to FAQs, and to request that a Class Notice and an Unknown Settlement Class Member Claim Form Notice Package be mailed to them. This automated phone system is available 24 hours per day, 7 days per week. During normal business hours, callers also have the option to speak to a live operator. The toll-free telephone number was prominently displayed in all notice documents.

20. As of April 17, 2023, there have been 209 calls to the toll-free telephone number representing 1,343 minutes of use and service agents have handled 111 incoming calls representing 1,276 minutes of use and 19 outbound calls representing 74 minutes of use.

21. A postal mailing address was established, providing Settlement Class Members with the opportunity to request additional information or ask questions.

Requests for Exclusion and Objections

22. The deadline to request exclusion from the Settlement or to object to the Settlement was March 10, 2023. As of April 17, 2023, Epiq has received two requests for exclusion. The Request for Exclusion Report is included as **Attachment 6**. As of April 17, 2023, I am not aware of any objections to the Settlement.

Claim Submissions

23. The deadline for Settlement Class Members to file a Claim Form was March 27, 2023. As of April 17, 2023, Epiq has received 1,631 Claim Forms (512 online and 1,119 paper). As standard practice, Epiq is in the process of conducting a complete review and audit of all claims received. There is a likelihood that after detailed review, the total number of Claim Forms received will change due to duplicate and denied Claim Forms, though Epiq does not anticipate this change to be substantial.

PLAIN LANGUAGE NOTICE DESIGN

24. The Class Notice and Claim Forms were carefully designed in consultation with counsel for the settling parties, to be “noticed,” reviewed, and—by presenting the information in plain language—understood by Settlement Class Members. The Notices contained substantial, easy-to-read summaries of all key information about Settlement Class Members’ rights and options under the Settlement. Consistent with our standard practice, all notice documents underwent a final edit for grammar and accuracy prior to dissemination.

25. The Class Notice provided substantial information to Settlement Class Members. The Class Notice included (i) details regarding the Settlement Class Members’ ability to opt out of or object to the Settlement, (ii) instructions on how to submit a Claim Form, (iii) the deadline to submit a Claim Form, opt out, or object, and (iv) the date, time, and location of the Final Approval Hearing, among other information.

CONCLUSION

26. In class action notice planning, execution, and analysis, we are guided by due process considerations under the United States Constitution, by federal rules and statutes, and further by case law pertaining to notice. This framework directs that the notice plan be designed to reach the best practicable number of potential class members and, in a settlement class action notice situation such as this, that the notice or notice plan itself not limit knowledge of the availability of benefits—nor the ability to exercise other options—to class members in any way. All of these requirements were met in this case.

27. The Notice Plan included individual notice to the identified Settlement Class Members. The individual notice efforts of the Notice Plan reached approximately 99.3% of the Settlement Class. The reach was further enhanced by a Settlement Website. The Federal Judicial Center’s (“FJC”) Judges’ Class Action Notice and Claims Process Checklist and Plain Language Guide states that “the lynchpin in an objective determination of the adequacy of a proposed notice effort is whether all the notice efforts together will reach a high percentage of the Settlement Class.

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It is reasonable to reach between 70–95%.”⁴ Here, the Notice Plan we developed and implemented achieved a reach beyond the highest end of that standard.

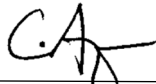
28. The Notice Plan followed the guidance for satisfying due process obligations that a notice expert gleans from the United States Supreme Court’s seminal decisions, which emphasize the need: (a) to endeavor to actually inform the Settlement Class, and (b) to ensure that notice is reasonably calculated to do so:

- a. “[W]hen notice is a person’s due, process which is a mere gesture is not due process. The means employed must be such as one desirous of actually informing the absentee might reasonably adopt to accomplish it,” *Mullane v. Central Hanover Trust*, 339 U.S. 306, 315 (1950); and
- b. “[N]otice must be reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections,” *Eisen v. Carlisle & Jacquelin*, 417 U.S. 156 (1974) (citing *Mullane*, 339 U.S. at 314).

29. The Notice Plan provided the best notice practicable under the circumstances, conformed to all aspects of Federal Rule of Civil Procedure 23 regarding notice, comported with the guidance for effective notice articulated in the Manual for Complex Litigation, Fourth, and exceeded the requirements of due process, including its “desire to actually inform” requirement.

30. The Notice Plan schedule afforded enough time to provide full and proper notice to Settlement Class Members before the opt-out and objection deadlines.

I declare under penalty of perjury that the foregoing is true and correct. Executed April 17, 2023.



Cameron R. Azari, Esq.

⁴ FED. JUDICIAL CTR, JUDGES’ CLASS ACTION NOTICE AND CLAIMS PROCESS CHECKLIST AND PLAIN LANGUAGE GUIDE 3 (2010), available at <https://www.fjc.gov/content/judges-class-action-notice-and-claims-process-checklist-and-plain-language-guide-0>.

Attachment 1

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

CHRISTOPHER JAMES WALKER, on
behalf of himself and all others similarly
situated,

Plaintiff,

v.

**HIGHMARK BCBSD HEALTH
OPTIONS, INC.; COTIVITI, INC.**

Defendant.

Civil Case No.: 20-cv-1975
Hon. Christy Criswell Wiegand

**DECLARATION OF STEPHANIE J. FIERECK, ESQ. ON IMPLEMENTATION OF
CAFA NOTICE**

I, STEPHANIE J. FIERECK, ESQ., hereby declare and state as follows:

1. My name is Stephanie J. Fiereck, Esq. I am over the age of 25 and I have personal knowledge of the matters set forth herein, and I believe them to be true and correct.

2. I am the Director of Legal Noticing for Epiq Class Action & Claims Solutions, Inc. (“Epiq”), a firm that specializes in designing, developing, analyzing and implementing large-scale, un-biased, legal notification plans. I have overseen and handled Class Action Fairness Act (“CAFA”) notice mailings for more than 400 class action settlements.

3. Epiq is a firm with more than 25 years of experience in claims processing and settlement administration. Epiq’s class action case administration services include coordination of all notice requirements, design of direct-mail notices, establishment of fulfillment services, receipt and processing of opt-outs, coordination with the United States Postal Service, claims database management, claim adjudication, funds management and distribution services.

4. The facts in this Declaration are based on what I personally know, as well as information provided to me in the ordinary course of my business by my colleagues at Epiq.

DECLARATION OF STEPHANIE J. FIERECK, ESQ. ON IMPLEMENTATION OF CAFA NOTICE

CAFA NOTICE IMPLEMENTATION

5. At the direction of counsel for Defendants Highmark BCBS Health Options, Inc. and Cotiviti, Inc. 58 federal and state officials (Attorney General of the United States and the Attorneys General of each of the 50 states, the District of Columbia, and the United States Territories, and the Delaware Insurance Commissioner) were identified to receive CAFA notice.

6. Epiq maintains a list of these federal and state officials with contact information for the purpose of providing CAFA notice. Prior to mailing, the names and addresses selected from Epiq's list were verified, then run through the Coding Accuracy Support System ("CASS") maintained by the United States Postal Service ("USPS").¹

7. On November 23, 2022, Epiq sent 58 CAFA Notice Packages ("Notice"). The Notice was mailed via USPS Certified Mail to 57 officials (the Attorneys General of each of the 50 states, the District of Columbia, and the United States Territories, and the Delaware Insurance Commissioner). The Notice was also sent via United Parcel Service ("UPS") to the Attorney General of the United States. The CAFA Notice Service List (USPS Certified Mail and UPS) is included as **Attachment 1**.

8. The materials sent to the federal and state officials included a Cover Letter, which provided notice of the proposed Settlement of the above-captioned case. The Cover Letter is included as **Attachment 2**.

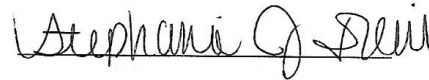
9. The cover letter was accompanied by a CD, which included the following:

- a. **Per 28 U.S.C. § 1715(b)(1) – Complaint and Any Amended Complaints:** Class Action Complaint and Amended Complaints.

¹ CASS improves the accuracy of carrier route, 5-digit ZIP®, ZIP + 4® and delivery point codes that appear on mail pieces. The USPS makes this system available to mailing firms who want to improve the accuracy of postal codes, i.e., 5-digit ZIP®, ZIP + 4®, delivery point (DPCs), and carrier route codes that appear on mail pieces.

- b. **Per 28 U.S.C. § 1715(b)(3) – Notification to Class Members:** Claim Form and Long Form Notice.
- c. **Per 28 U.S.C. § 1715(b)(4) – Class Action Settlement Agreement:** The following documents were included:
 - Plaintiffs’ Memorandum in Support of Unopposed Motion for Preliminary Approval of Class Action Settlement and Certification of Settlement Class;
 - Settlement Agreement and Release;
 - Declaration of Jeremy M. Glapion in Support of Plaintiffs’ Unopposed Motion for Preliminary Approval; and
 - Declaration of Cameron R. Azari, Esq. on Notice Plan and Notice.
- d. **Per 28 U.S.C. § 1715(b)(7) – Estimate of Class Members:** Class Member Geographic Location Estimate Report.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 23, 2022.

A handwritten signature in cursive script, appearing to read "Stephanie J. Fiereck".

Stephanie J. Fiereck, Esq.

Attachment 1

CAFA Notice Service List

UPS

Company	FullName	Address1	Address2	City	State	Zip
US Department of Justice	Merrick B. Garland	950 Pennsylvania Ave NW		Washington	DC	20530

CAFA Notice Service List

USPS Certified Mail

Company	FullName	Address1	Address2	City	State	Zip
Office of the Attorney General	Treg Taylor	1031 W 4th Ave	Suite 200	Anchorage	AK	99501
Office of the Attorney General	Steve Marshall	501 Washington Ave		Montgomery	AL	36104
Office of the Attorney General	Leslie Carol Rutledge	323 Center St	Suite 200	Little Rock	AR	72201
Office of the Attorney General	Mark Brnovich	2005 N Central Ave		Phoenix	AZ	85004
Office of the Attorney General	CAFA Coordinator	Consumer Protection Section	455 Golden Gate Ave Suite 11000	San Francisco	CA	94102
Office of the Attorney General	Phil Weiser	Ralph L Carr Colorado Judicial Center	1300 Broadway Fl 10	Denver	CO	80203
Office of the Attorney General	William Tong	165 Capitol Ave		Hartford	CT	06106
Office of the Attorney General	Karl A Racine	400 6th St NW		Washington	DC	20001
Office of the Attorney General	Kathy Jennings	Carvel State Bldg	820 N French St	Wilmington	DE	19801
Office of the Attorney General	Ashley Moody	State of Florida	The Capitol PL-01	Tallahassee	FL	32399
Office of the Attorney General	Chris Carr	40 Capitol Square SW		Atlanta	GA	30334
Department of the Attorney General	Holly T Shikada	425 Queen St		Honolulu	HI	96813
Iowa Attorney General	Thomas J Miller	Hoover State Office Building	1305 E Walnut St	Des Moines	IA	50319
Office of the Attorney General	Lawrence G Wasden	700 W Jefferson St Ste 210	PO Box 83720	Boise	ID	83720
Office of the Attorney General	Kwame Raoul	100 W Randolph St		Chicago	IL	60601
Office of the Indiana Attorney General	Todd Rokita	Indiana Government Center South	302 W Washington St Rm 5	Indianapolis	IN	46204
Office of the Attorney General	Derek Schmidt	120 SW 10th Ave 2nd Fl		Topeka	KS	66612
Office of the Attorney General	Daniel Cameron	700 Capitol Ave Suite 118		Frankfort	KY	40601
Office of the Attorney General	Jeff Landry	PO Box 94005		Baton Rouge	LA	70804
Office of the Attorney General	Maura Healey	1 Ashburton Pl 20th Fl		Boston	MA	02108
Office of the Attorney General	Brian E Frosh	200 St Paul Pl		Baltimore	MD	21202
Office of the Attorney General	Aaron Frey	6 State House Station		Augusta	ME	04333
Department of Attorney General	Dana Nessel	PO BOX 30212		Lansing	MI	48909
Office of the Attorney General	Keith Ellison	445 Minnesota St Ste 1400		St Paul	MN	55101
Missouri Attorney General's Office	Eric Schmitt	207 West High Street	PO Box 899	Jefferson City	MO	65102
Mississippi Attorney General	Lynn Fitch	PO Box 220		Jackson	MS	39205
Office of the Attorney General	Austin Knudsen	215 N Sanders 3rd Fl	PO Box 201401	Helena	MT	59620
Attorney General's Office	Josh Stein	9001 Mail Service Ctr		Raleigh	NC	27699
Office of the Attorney General	Drew H Wrigley	600 E Boulevard Ave Dept 125		Bismarck	ND	58505
Nebraska Attorney General	Doug Peterson	2115 State Capitol	PO Box 98920	Lincoln	NE	68509
Office of the Attorney General	John Formella	NH Department of Justice	33 Capitol St	Concord	NH	03301
Office of the Attorney General	Matthew J Platkin	25 Market Street	PO Box 080	Trenton	NJ	08625
Office of the Attorney General	Hector Balderas	408 Galisteo St	Villagra Bldg	Santa Fe	NM	87501
Office of the Attorney General	Aaron Ford	100 N Carson St		Carson City	NV	89701
Office of the Attorney General	CAFA Coordinator	28 Liberty Street 15th Floor		New York	NY	10005
Office of the Attorney General	Dave Yost	30 E Broad St Fl 14		Columbus	OH	43215
Office of the Attorney General	John O'Connor	313 NE 21st St		Oklahoma City	OK	73105
Office of the Attorney General	Ellen F Rosenblum	Oregon Department of Justice	1162 Court St NE	Salem	OR	97301
Office of the Attorney General	Josh Shapiro	16th Fl Strawberry Square		Harrisburg	PA	17120
Office of the Attorney General	Peter F Neronha	150 S Main St		Providence	RI	02903
Office of the Attorney General	Alan Wilson	PO Box 11549		Columbia	SC	29211
Office of the Attorney General	Mark Vargo	1302 E Hwy 14 Ste 1		Pierre	SD	57501
Office of the Attorney General	Jonathan Skrmetti	PO Box 20207		Nashville	TN	37202
Office of the Attorney General	Ken Paxton	PO Box 12548		Austin	TX	78711
Office of the Attorney General	Sean D Reyes	PO Box 142320		Salt Lake City	UT	84114
Office of the Attorney General	Jason S Miyares	202 N 9th St		Richmond	VA	23219
Office of the Attorney General	Susanne R Young	109 State St		Montpelier	VT	05609
Office of the Attorney General	Bob Ferguson	800 5th Ave Ste 2000		Seattle	WA	98104
Office of the Attorney General	Josh Kaul	PO Box 7857		Madison	WI	53707
Office of the Attorney General	Patrick Morrissey	State Capitol Complex Bldg 1 Room E 26	1900 Kanawha Blvd E	Charleston	WV	25305
Office of the Attorney General	Bridget Hill	109 State Capital		Cheyenne	WY	82002
Department of Legal Affairs	Fainu'ulei Falefatu Ala'iima-Utu	Executive Office Building 3rd Floor	PO Box 7	Pago Pago	AS	96799
Attorney General Office of Guam	Leevin T Camacho	Administrative Division	590 S Marine Corps Dr Ste 901	Tamuning	GU	96913
Office of the Attorney General	Edward Manibusan	Administration Bldg	PO Box 10007	Saipan	MP	96950
PR Department of Justice	Domingo Emanuelli Hernández	PO Box 9020192		San Juan	PR	00902
Department of Justice	Denise N George	3438 Kronprindsens Gade Ste 2	GERS BLDG	St Thomas	VI	00802
Delaware Department of Insurance	Trinidad Navarro	1351 West North Street Suite 101		Dover	DE	19904

Attachment 2

CAFA NOTICE ADMINISTRATOR

HILSOFT NOTIFICATIONS
10300 SW Allen Blvd
Beaverton, OR 97005
P 503-350-5800
DL-CAFA@epiqglobal.com

November 23, 2022

VIA UPS OR USPS CERTIFIED MAIL

Class Action Fairness Act – Notice to Federal and State Officials

Dear Federal and State Officials:

Pursuant to the Class Action Fairness Act of 2005 (“CAFA”), codified at 28 U.S.C. § 1715, please find enclosed information from Defendants Highmark BCBS Health Options, Inc. and Cotiviti, Inc. relating to the proposed settlement of a class action lawsuit.

- **Case:** *Walker v. Highmark BCBS Health Options, Inc.; Cotiviti, Inc.*, Case No. 20-cv-1975.
- **Court:** United States District Court Western District of Pennsylvania.
- **Defendants:** Highmark BCBS Health Options, Inc., and Cotiviti, Inc.
- **Documents Enclosed:** In accordance with the requirements of 28 U.S.C. § 1715, please find copies of the following documents associated with this action on the enclosed CD:
 1. **Per 28 U.S.C. § 1715(b)(1) – Complaint and Any Amended Complaints:** Class Action Complaint and Amended Complaints.
 2. **Per 28 U.S.C. § 1715(b)(2) – Notice of Any Scheduled Judicial Hearing:** The Court has not scheduled a preliminary approval hearing or a final approval hearing or any other judicial hearing concerning the settlement agreement at this time.
 3. **Per 28 U.S.C. § 1715(b)(3) – Notification to Class Members:** Claim Form and Long Form Notice.
 4. **Per 28 U.S.C. § 1715(b)(4) – Class Action Settlement Agreement:** The following documents are included:
 - Plaintiffs’ Memorandum in Support of Unopposed Motion for Preliminary Approval of Class Action Settlement and Certification of Settlement Class;
 - Settlement Agreement and Release;
 - Declaration of Jeremy M. Glapion in Support of Plaintiffs’ Unopposed Motion for Preliminary Approval; and
 - Declaration of Cameron R. Azari, Esq. on Notice Plan and Notice.
 5. **28 U.S.C. § 1715(b)(5) – Any Settlement or Other Agreements:** There is no other Settlement or Agreement.

CAFA NOTICE ADMINISTRATOR

HILSOFT NOTIFICATIONS
10300 SW Allen Blvd
Beaverton, OR 97005
P 503-350-5800
DL-CAFA@epiqglobal.com

6. **Per 28 U.S.C. § 1715(b)(6) – Final Judgment or Notice of Dismissal:** To date, the Court has not issued a final order, judgment or dismissal in the above-referenced action.
7. **Per 28 U.S.C. § 1715(b)(7) – Estimate of Class Members:** It is not feasible to determine the names of all class members that reside in each state. Accordingly, pursuant 28 U.S.C. § 1715(b)(7)(B), enclosed is a Class Member Geographic Location Estimate Report containing a reasonable estimate of the number of class members residing in each geographic location and the estimated proportionate share of the claims of such members to the entire settlement.
8. **28 U.S.C. § 1715(b)(8) – Judicial Opinions Related to the Settlement:** To date, the Court has not issued a final order or judgment in the above-referenced action.

If you have questions or concerns about this notice or the enclosed materials, please contact this office.

Very truly yours,

CAFA Notice Administrator

Enclosures

Attachment 2

If you received telephone calls made by, or on behalf of Highmark BCBSD Health Options Inc., you may be entitled to benefits under a class action Settlement

A federal court has authorized this Notice. This is not a solicitation from a lawyer.

- A \$1,850,000 Settlement has been reached in a class action lawsuit against Highmark BCBSD Health Options Inc. and Cotiviti, Inc. (collectively, the “Defendants”) regarding alleged violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227 (“TCPA”). The TCPA is a federal law that restricts the use of prerecorded calls. The Plaintiffs allege that Highmark Health Options violated the TCPA by placing, through their vendor Cotiviti, pre-recorded/artificial voice telephone calls to individuals without their consent. The Defendants deny the allegations in the lawsuit, and the Court has not decided who is right.
- The Settlement offers Cash Awards to Settlement Class Members who file a valid and timely claim. The amount of money you may be eligible for depends on the number of calls received.

This Notice may affect your rights. Please read it carefully.

YOUR LEGAL RIGHTS AND OPTIONS		DEADLINE
SUBMIT A CLAIM FORM	To get a Cash Award you must submit a Claim Form.	March 27, 2023
EXCLUDE YOURSELF	Get no Settlement benefits, including a Cash Award. Keep your right to file your own lawsuit against the Defendants about the legal claims in this case.	March 10, 2023
OBJECT	Tell the Court why you do not like the Settlement. You will still be bound by the Settlement if the Court approves it.	March 10, 2023
DO NOTHING	Get no Settlement benefits, including a Cash Award. Be bound by the Settlement.	

- These rights and options—**and the deadlines to exercise them**—are explained in this Notice.
- The Court in charge of this case must still decide whether to approve the Settlement and the requested attorneys’ fees and costs. No Settlement benefits or payments will be provided unless the Court approves the Settlement, and it becomes final.

Questions? Go to www.hhotcpasettlement.com or call 1-800-944-1017

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BASIC INFORMATION

1. Why is this Notice being provided?

A federal court authorized this Notice because you have the right to know about the proposed Settlement of this class action lawsuit and about all of your rights and options before the Court decides whether to grant final approval of the Settlement. This Notice explains the lawsuit, the Settlement, your legal rights, what benefits are available, who is eligible for the benefits, and how to get them.

The Honorable Christy Criswell Wiegand of the United States District Court of the Western District of Pennsylvania is overseeing this class action known as *Walker v. Highmark BCBS Health Options, Inc.; Cotiviti, Inc.*, Case No. 20-cv-1975 (the “Action”). The people who filed this lawsuit are called the “Plaintiffs” or “Class Representatives” and the companies they sued, Highmark BCBS Health Options Inc. (“Highmark Health Options”) and Cotiviti, Inc. (“Cotiviti”) are collectively known as the “Defendants.”

2. What is this lawsuit about?

The Plaintiffs allege violations of the Telephone Consumer Protection Act (“TCPA”) arising from certain calls made by, or on behalf of, Highmark Health Options. The TCPA is a federal law that restricts the use of prerecorded telephone calls. The Plaintiffs allege that Highmark Health Options violated the TCPA by placing, through its vendor Cotiviti, pre-recorded/artificial voice telephone calls to individuals without their consent.

The Defendants deny any wrongdoing, and no court or other entity has made any judgment or other determination of any wrongdoing, or that any law has been violated. The Defendants deny these and all other claims made in the litigation. By entering the Settlement, the Defendants are not admitting any wrongdoing.

3. Why is the lawsuit a class action?

In a class action, Class Representatives sue on behalf of all people who have similar claims. Together, all these people are called a Settlement Class or Settlement Class Members. One court resolves the issues for all Settlement Class Members, except for those Settlement Class Members who timely exclude themselves (opt out) from the Settlement Class. The Class Representatives in this case are Plaintiffs Christopher Walker, Kim Sterling, and Ernie Fisher.

4. Why is there a Settlement?

Plaintiffs and the Defendants do not agree about the claims made in this litigation. The litigation has not gone to trial, and the Court has not decided in favor of the Plaintiffs or the Defendants. Instead, the Plaintiffs and the Defendants have agreed to settle the litigation. The Plaintiffs and the attorneys for the Settlement Class (“Class Counsel”) believe the Settlement is best for all Settlement Class Members because of the Settlement benefits and the risks and uncertainty associated with continued litigation and the nature of the defenses raised by the Defendants.

WHO IS INCLUDED IN THE SETTLEMENT?

5. How do I know if I am part of the Settlement?

You are a Settlement Class Member if you were the subscriber or primary user of a cellular telephone number that received prerecorded/artificial voice calls from or on behalf of Defendant Highmark Health Options Inc. You are a Settlement Class Member if your cellular telephone number (or a cellular telephone number currently or previously associated with you) has been identified as meeting the following definition:

- A. During the Class Period (November 30, 2016, through December 13, 2022), all persons within the United States who are subscribers or primary users of a cellular telephone number to which Defendant Highmark BCBS Health Options Inc. placed (or had placed on its behalf by Defendant Cotiviti, Inc.) a telephone call using a pre-recorded or artificial voice,
 - 1) when such a call to that cellular telephone number had previously resulted in (a) a “WRONG_NUMBER” disposition or (b) a “MSG_DECLINED” disposition without a subsequent disposition of “CORRECT_PERSON” or “MSG_HUMAN” and

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- 2) when at least one subsequent call to that cellular telephone number had the disposition “WRONG_NUMBER”, “MSG_MACHINE”, “CORRECT_PERSON”, “MSG_HUMAN”, “HANGUP”, “NO_CONTINUE”, or “MSG_DECLINED”.

This means you are a Settlement Class Member if from November 30, 2016, through December 13, 2022, a call with a pre-recorded message was made by the Defendants to your cellular telephone number and this call was answered, and a previous call possibly indicated or should have indicated a wrong number was reached, and, possibly, there was no subsequent notation that the correct number was reached.

You do not need to know if calls placed to you actually resulted in one of the dispositions listed above. If you have received a notice, your cellular telephone number (or a cellular telephone number currently or previously associated with you) has already been identified as qualifying.

6. Are there exceptions to being included in the Settlement?

Yes. Excluded from the Settlement Class are those persons who *only* received calls as part of a COVID Campaign; Defendants and any entities in which Defendants have a controlling interest; Defendants’ agents and employees; and any Judge and Magistrate Judge to whom this action is assigned and any member of their staffs and immediate families.

7. What if I am still not sure whether I am part of the Settlement?

If you are still not sure whether you are a Settlement Class Member, you may go to the Settlement Website at www.hhotcpasettlement.com or call the Claims Administrator’s toll-free number at 1-800-944-1017.

THE SETTLEMENT BENEFITS—WHAT YOU GET IF YOU QUALIFY

8. What does the Settlement provide?

If you are a Settlement Class Member and submit a valid and timely claim, you may be eligible to receive a Cash Award. The Defendants have agreed to pay or cause to be paid \$1,850,000 to create a “Settlement Fund.” The Settlement Fund will be used to pay approved Claims and all Settlement Costs (any incentive payment to the Class Representatives, any awarded attorneys’ fees and costs, and any costs associated with the administration of this Settlement).

Your Cash Award will be a *pro rata* (meaning proportional) share of all Eligible Calls claimed during the Claims Period. An Eligible Call is a prerecorded call made after a disposition in Defendants’ records identified in (A)(1) of the Settlement Class definition (see question 5).

What this means is that your Cash Award, if any, will be determined by the following formula: (Settlement Fund – Settlement Costs) ÷ (Total Number of Calls Made to Settlement Class Members who submit a claim) = Cash Award Per Call. This is subject to possible adjustments if multiple persons make a claim for the same unique cellular telephone number.

For example, if there is \$1,000,000 in the Settlement Fund after Settlement Costs, and there are 1,000 Settlement Class Members who make valid and timely claims, whose combined total number of Eligible Calls is 20,000, the *pro rata* share would be \$50 per Call (i.e. \$1,000,000 ÷ 20,000).

In this example, someone who received 20 Eligible Calls would receive \$1,000. This example is for illustrative purposes only. Your Cash Award, if any, may be significantly more or significantly less than the above.

If multiple people make a claim for the same unique cellular telephone number, the Claims Administrator will contact each person who submitted a claim to obtain the approximate month and year of when each person was the subscriber or primary user of the cellular telephone number to determine the payment to the Settlement Class Members.

9. How do I submit a claim for a Cash Award?

Settlement Class Members seeking a Cash Award must complete and submit a Claim Form to the Claims Administrator by **March 27, 2023**. Claim Forms can be submitted online at www.hhotcpasettlement.com or by mail. If by mail, the Claim Form must be **postmarked** by **March 27, 2023**.

Questions? Go to www.hhotcpasettlement.com or call 1-800-944-1017

You should file a single Claim Form for each unique cellular telephone number on which you received telephone calls, regardless of the number of times you were called on a particular cell number.

10. What am I giving up to receive Settlement benefits or stay in the Settlement Class?

Unless you exclude yourself (opt out), you are choosing to remain in the Settlement Class. If the Settlement is approved and becomes final, all Court orders will apply to you and legally bind you. You will not be able to sue, continue to sue, or be part of any other lawsuit against the Defendants and Released Parties about the legal issues in this litigation that are released by this Settlement. The specific rights you are giving up are called “Released Claims.”

11. What are the Released Claims?

The Settlement Agreement in Section XII describes the Release of Claims, in necessary legal terminology, so please read this section carefully. The Settlement Agreement is available at www.hhotcpasettlement.com or in the public Court records on file in this lawsuit. For questions regarding the Released Parties or Released Claims and what the language in the Settlement Agreement means, you can also contact Class Counsel listed in Question 15 for free, or you can talk to your own lawyer at your own expense. You should not contact Defendants directly with questions about the settlement.

HOW TO GET BENEFITS FROM THE SETTLEMENT

12. How do I make a claim for Settlement benefits?

To submit a claim for a Cash Award you must timely submit a valid Claim Form. Settlement Class Members seeking benefits under the Settlement must complete and submit a Claim Form to the Claims Administrator, postmarked or submitted online on or before **March 27, 2023**. Claim Forms may be submitted online at www.hhotcpasettlement.com or printed from the Settlement Website and mailed to the Claims Administrator at the address on the Form. The quickest way to submit a claim is online. Paper Claim Forms are also available by calling 1-800-944-1017 or by writing to:

Walker v. Highmark Health Options Claims Administrator
P.O. Box 3937
Portland, OR 97208-3937

13. What happens if my contact information changes after I submit a claim?

If you change your mailing address or email address after you submit a Claim Form, it is your responsibility to inform the Claims Administrator of your updated information. You may notify the Claims Administrator of any changes by calling 1-800-944-1017 or by writing to:

Walker v. Highmark Health Options Claims Administrator
P.O. Box 3937
Portland, OR 97208-3937

14. When will I receive my Settlement benefits?

If you file a timely and valid Claim Form, payment will be provided by the Claims Administrator after the Settlement is approved by the Court and becomes final.

It may take time for the Settlement to be approved and become final. Please be patient and check www.hhotcpasettlement.com for updates.

Questions? Go to www.hhotcpasettlement.com or call 1-800-944-1017

THE LAWYERS REPRESENTING YOU

15. Do I have a lawyer in this case?

Yes, the Court has appointed Jeremy M. Glapion of The Glapion Law Firm, LLC as Class Counsel to represent you and the Settlement Class for the purposes of this Settlement. You may hire your own lawyer at your own cost and expense if you want someone other than Class Counsel to represent you in this litigation.

16. How will Class Counsel be paid?

Class Counsel will file a motion asking the Court to award attorneys' fees and costs not to exceed 1/3 of the Settlement Fund, plus Class Counsel's actual expenses. They will also ask the Court to approve an incentive payment, not to exceed \$10,000, to Plaintiff Walker, and incentive payments not to exceed \$2,500 to Plaintiffs Sterling and Fisher for their involvement in this litigation and for their efforts in achieving the Settlement. If awarded by the Court, attorneys' fees and costs and the incentive awards will be paid out of the Settlement Fund. The Court may award less than these amounts.

Class Counsel's application for attorneys' fees, costs, and service awards will be made available on the settlement website at www.hhotcpasettlement.com before the deadline for you to comment or object to the Settlement.

OPTING OUT OF THE SETTLEMENT

If you are a Settlement Class Member and want to keep any right you may have to sue or continue to sue the Defendants on your own based on the claims raised in this litigation or released by the Released Claims, then you must take steps to get out of the Settlement. This is called excluding yourself from or "opting out" of the Settlement.

17. How do I get out of the Settlement?

To opt out of the Settlement, you must mail a written notice to the Claims Administrator of your intent to opt out. The written notice must be signed, include your full name, address, telephone number, and the cellular telephone number(s) called by Defendants and clearly state that you wish to be excluded from the Settlement Class.

The opt out request must be **postmarked** and sent to the Claims Administrator at the following address by **March 10, 2023**:

Walker v. Highmark Health Options Claims Administrator
Exclusions
P.O. Box 3937
Portland, OR 97208-3937

You cannot exclude yourself by telephone or by email.

18. If I opt out, can I get anything from the Settlement?

No. If you opt out, you are telling the Court you do not want to be part of the Settlement. You can only get Settlement benefits if you stay in the Settlement.

19. If I do not opt out, can I sue the Defendants for the same thing later?

No. Unless you opt out, you give up any right to sue the Defendants and Released Parties for the claims this Settlement resolves and Releases. You must opt out of this litigation to start or continue with your own lawsuit or be part of any other lawsuit against the Defendants, or any of the Released Parties. If you have a pending lawsuit, speak to your lawyer in that case immediately.

Questions? Go to www.hhotcpasettlement.com or call 1-800-944-1017

OBJECTING TO THE SETTLEMENT

20. How do I tell the Court that I do not like the Settlement?

If you are a Settlement Class Member, you can tell the Court you do not agree with all or any part of the Settlement or requested attorneys' fees and costs. You can also give reasons why you think the Court should not approve the Settlement or attorneys' fees and costs. To object, you must file timely written notice with the Court as provided below no later than **March 10, 2023**, stating you object to the Settlement. The objection must include all the following additional information:

- (1) Your full name, address and telephone number;
- (2) The cellular telephone number(s) called by Defendants (if different);
- (3) The reasons for your objection;
- (4) The name of counsel for the objection (if any);
- (5) Information about other objections you or your counsel have made in other class action cases in the last four (4) years; and
- (6) Whether you intend to appear at the Final Approval Hearing on your own behalf or through counsel. Any documents supporting the objection must also be attached to the objection.

Your objection must be submitted to the Court either by filing it with the Court or by mailing it via U.S. Mail to the Court so that it is **received** by **March 10, 2023**, to the following address:

Clerk of Court
United States District Court
Western District of Pennsylvania
700 Grant Street
Pittsburgh, PA 15219

21. What is the difference between objecting and asking to opt out?

Objecting is simply telling the Court you do not like something about the Settlement or requested attorneys' fees and costs. You can object only if you stay in the Settlement Class (meaning you do not opt out of the Settlement). Opting out of the Settlement is telling the Court you do not want to be part of the Settlement Class or the Settlement. If you opt out, you cannot object to the Settlement.

THE FINAL APPROVAL HEARING

22. When and where will the Court decide whether to approve the Settlement?

The Court will hold a Final Approval Hearing on **May 2, 2023, at 1:00 p.m. Eastern** before Judge Christy Criswell Wiegand at United State District Court, Western District of Pennsylvania, Joseph F. Weis, Jr. U.S. Courthouse, Courtroom 9B, 700 Grant Street, Pittsburgh, PA 15219.

At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate and decide whether to approve the Settlement, Class Counsels' application for attorneys' fees and costs, and the incentive payments to the Plaintiffs. If there are objections, the Court will consider them. The Court may also listen to people who have asked to speak at the hearing.

Note: The date and time of the Final Approval Hearing are subject to change. The Court may also decide to hold the hearing via Zoom or by telephone. Any change will be posted at www.hhotcpasettlement.com.

23. Do I have to attend to the Final Approval Hearing?

No. Class Counsel will answer any questions the Court may have. However, you are welcome to attend at your own expense. If you send an objection, you do not have to come to Court to speak about it. As long as you file or mail your written objection on time, the Court will consider it.

Questions? Go to www.hhotcpasettlement.com or call 1-800-944-1017

24. May I speak at the Final Approval Hearing?

Yes, as long as you do not exclude yourself (opt out), you can (but do not have to) participate and speak for yourself in this litigation and Settlement. This is called making an appearance. You also can have your own lawyer speak for you, but you will have to pay for the lawyer yourself.

If you want to appear, or if you want your own lawyer instead of Class Counsel to speak for you at the hearing, you must follow all of the procedures for objecting to the Settlement listed in Section IX and specifically include a statement whether you and your counsel will appear at the Final Approval Hearing.

IF YOU DO NOTHING

25. What happens if I do nothing at all?

If you are a Settlement Class Member and you do nothing, you will not receive any Settlement benefits. You will give up the rights explained in the “Opting Out from the Settlement” section of this Notice (see questions 10 and 19 above), including your right to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against the Defendants, the Released Parties about the legal issues in this litigation that are released by the Settlement Agreement.

GETTING MORE INFORMATION

26. How do I get more information?

This Notice summarizes the proposed Settlement. Complete details are provided in the Settlement Agreement. The Settlement Agreement and other related documents are available at www.hhotcpasettlement.com, by calling 1-800-944-1017 or by writing to:

Walker v. Highmark Health Options Claims Administrator
P.O. Box 3937
Portland, OR 97208-3937

PLEASE DO NOT TELEPHONE THE COURT OR THE COURT’S CLERK OFFICE REGARDING THIS NOTICE.

Questions? Go to www.hhotcpasettlement.com or call 1-800-944-1017

Attachment 3

1

**WALKER v. HIGHMARK BCBS HEALTH OPTIONS, INC.
CLASS ACTION SETTLEMENT CLAIM FORM**

Under penalty of perjury, all information provided in this Claim Form is true and correct to the best of my knowledge and belief.

Signature

Date: - -
MM DD YYYY

Print Name

METHODS OF SUBMISSION

You may fill out and submit this form online at www.hhotepasettlement.com

You may also submit this paper form by mail using the prepaid return envelope, or by sending the completed and signed form in a different envelope, postage prepaid, via U.S. Mail to:

Walker v. Highmark Health Options Claims Administrator
P.O. Box 3937
Portland, OR 97208-3937

Your submission must be postmarked no later than March 27, 2023.

Questions? Visit www.hhotepasettlement.com or call 1-800-944-1017.

Attachment 4



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**WALKER v. HIGHMARK BCBS HEALTH OPTIONS, INC.
CLASS ACTION SETTLEMENT CLAIM FORM**

Under penalty of perjury, all information provided in this Claim Form is true and correct to the best of my knowledge and belief.

Signature

Date: - -
MM DD YYYY

Print Name

METHODS OF SUBMISSION

You may fill out and submit this form online at www.hhotcpasettlement.com

You may also submit this paper form by mail using the prepaid return envelope, or by sending the completed and signed form in a different envelope, postage prepaid, via U.S. Mail to:

Walker v. Highmark Health Options Claims Administrator
P.O. Box 3937
Portland, OR 97208-3937

Your submission must be postmarked no later than March 27, 2023.

Questions? Visit www.hhotcpasettlement.com or call 1-800-944-1017.

Attachment 5

Si recibió llamadas telefónicas realizadas por Highmark BCBS Health Options Inc. o en su nombre, es posible que usted tenga derecho a recibir beneficios en virtud de una Conciliación de demanda colectiva.

Un tribunal federal ha autorizado este Aviso. Esto no es una solicitud de un abogado.

- Se ha acordado una Conciliación de \$1,850,000 en una demanda colectiva contra Highmark BCBS Health Options Inc. y Cotiviti, Inc. (colectivamente, los “Demandados”) con respecto a presuntas infracciones de la Ley de Protección al Consumidor de Servicios Telefónicos, Título 47 del U.S.C. sección 227 (Telephone Consumer Protection Act, “TCPA”). La TCPA es una ley federal que restringe el uso de llamadas pregrabadas. Los Demandantes alegan que Highmark Health Options infringió la TCPA realizando, a través de su proveedor Cotiviti, llamadas telefónicas de voz pregrabadas/artificiales a personas sin su consentimiento. Los Demandados niegan las acusaciones en el juicio y el Tribunal no ha resuelto quién tiene razón.
- La Conciliación ofrece pagos en efectivo a los Miembros del Grupo de la Conciliación que presenten reclamaciones válidas y oportunas. La cantidad de dinero para la que usted podría ser elegible depende de la cantidad de llamadas recibidas.

Este aviso puede afectar sus derechos. Léalo con atención.

Sus opciones y derechos legales		Fecha límite
PRESENTAR UN FORMULARIO DE RECLAMACIÓN	Para obtener un pago en efectivo, usted debe presentar un Formulario de Reclamación.	27 de marzo de 2023
CÓMO EXCLUIRSE	No recibir beneficios de la Conciliación, incluido un pago en efectivo. Conservar su derecho de presentar su propia demanda contra los Demandados en relación con las reclamaciones legales de este caso.	10 de marzo de 2023
OBJETAR	Comunicarle al Tribunal por qué a usted no le agrada la Conciliación. Usted seguirá estando obligado por la Conciliación si el Tribunal lo aprueba..	10 de marzo de 2023
NO HACER NADA	No recibir beneficios de la Conciliación, incluido un pago en efectivo. Está obligado por la Conciliación.	

- Estos derechos y estas opciones, **y las fechas límite para ejercerlos**, se explican en este Aviso.
- El Tribunal a cargo de este caso aún debe decidir si aprueba la Conciliación así como los honorarios y costos solicitados de los abogados. No se brindará ningún beneficio ni pago de la Conciliación hasta que el Tribunal apruebe la Conciliación y esta se considere definitiva.

¿Tiene alguna pregunta? Visite www.hhotcpasettlement.com o llame al 1-800-944-1017

INFORMACIÓN BÁSICA 3

1. ¿Por qué se proporciona este Aviso?
2. ¿De qué trata esta demanda?
3. ¿Por qué esta demanda se considera una demanda colectiva?
4. ¿Por qué existe una Conciliación?

¿QUIÉNES ESTÁN INCLUIDOS EN LA CONCILIACIÓN? 4

5. ¿Cómo sé si formo parte de la Conciliación?
6. ¿Existen excepciones para ser incluido en la Conciliación?
7. ¿Qué ocurre si aún no estoy seguro de ser parte de la Conciliación?

LOS BENEFICIOS DE LA CONCILIACIÓN: QUÉ OBTIENE SI REÚNE LOS REQUISITOS 5

8. ¿Qué establece la Conciliación?
9. ¿Cómo presento una reclamación de Pago en efectivo?
10. ¿A qué renuncio para recibir los beneficios de la Conciliación o permanecer en el Grupo de la Conciliación?
11. ¿Cuáles son las Reclamaciones exentas?

CÓMO OBTENER LOS BENEFICIOS DE LA CONCILIACIÓN 6

12. ¿Cómo realizo una reclamación de los beneficios de la Conciliación?
13. ¿Qué sucede si mi información de contacto cambia después de que presento una reclamación?
14. ¿Cuándo recibiré mis beneficios de la Conciliación?

LOS ABOGADOS QUE LO REPRESENTAN 7

15. ¿Tengo un abogado en este caso?
16. ¿Cómo se les pagará a los Abogados del Grupo de Demandantes?

OPTAR POR EXCLUIRSE DE LA CONCILIACIÓN 7

17. ¿Cómo me excluyo de la Conciliación?
18. Si me excluyo, ¿puedo obtener algo de la Conciliación?
19. Si no me excluyo, ¿puedo iniciar acciones legales contra los Demandados por lo mismo más adelante?

OBJECIONES A LA CONCILIACIÓN 8

20. ¿Cómo le informo al Tribunal que no estoy conforme con la Conciliación?
21. ¿Cuál es la diferencia entre presentar una objeción y pedir la exclusión?

LA AUDIENCIA DE APROBACIÓN DEFINITIVA 9

22. ¿Cuándo y dónde decidirá el Tribunal si aprueba la Conciliación?
23. ¿Tengo que asistir a la Audiencia de Aprobación Definitiva?
24. ¿Puedo declarar en la Audiencia de Aprobación Definitiva?

SI DECIDE NO HACER NADA 9

25. ¿Qué sucede si no hago nada?

CÓMO OBTENER MÁS INFORMACIÓN 10

26. ¿Cómo puedo obtener más información?

¿Tiene alguna pregunta? Visite www.hhotcpasettlement.com o llame al 1-800-944-1017

INFORMACIÓN BÁSICA

1. ¿Por qué se proporciona este Aviso?

Un tribunal federal autorizó este Aviso porque usted tiene el derecho de conocer acerca de la Conciliación propuesta en esta demanda colectiva y sobre todos sus derechos y opciones antes de que el Tribunal decida si dará la aprobación final de la Conciliación. En este Aviso, se explican la demanda, la Conciliación, sus derechos legales, los beneficios disponibles, quiénes reúnen los requisitos para recibir los beneficios y cómo obtenerlos.

El honorable Christy Criswell Wiegand del Tribunal de Distrito de los Estados Unidos del Distrito Occidental de Pensilvania está supervisando esta demanda colectiva conocida como *Walker v. Highmark BCBS Health Options, Inc.; Cotiviti, Inc.*, Caso n.º 20-cv-1975 (la “Demanda”). Las personas que presentaron esta demanda se denominan “Demandantes” o “Representantes del grupo de demandantes” y las empresas a las que demandaron, Highmark BCBS Health Options Inc. (“Highmark Health Options”) y Cotiviti, Inc. (“Cotiviti”) se conocen colectivamente como los “Demandados”.

2. ¿De qué trata esta demanda?

Los Demandantes alegan infracciones de la Ley de Protección al Consumidor de Servicios Telefónicos (“TCPA”) derivadas de determinadas llamadas realizadas y enviadas por Highmark Health Options o en su nombre. La TCPA es una ley federal que restringe el uso de llamadas telefónicas pregrabadas. Los Demandantes alegan que Highmark Health Options infringió la TCPA realizando, a través de su proveedor Cotiviti, llamadas telefónicas de voz pregrabadas/artificiales a personas sin su consentimiento.

Los Demandados niegan cualquier infracción y ningún tribunal ni ninguna otra entidad ha emitido un juicio ni otra determinación de ninguna infracción o de que se haya violado alguna ley. Los Demandados niegan estos y todas las demás reclamaciones realizadas en el litigio. Al aceptar la Conciliación, los Demandados no admiten haber cometido algún delito.

3. ¿Por qué esta demanda se considera una demanda colectiva?

En una demanda colectiva, los Representantes del Grupo de Demandantes demandan en nombre de todas las personas que tienen reclamaciones similares. En conjunto, todas estas personas se denominan un “Grupo de Demandantes de la Conciliación” o “Miembros del Grupo de Demandantes de la Conciliación”. Un tribunal resuelve las cuestiones para todos los Miembros del Grupo de Demandantes de la Conciliación, excepto aquellos que se excluyen (eligen excluirse) del Grupo de Demandantes de la Conciliación en forma oportuna. Los Representantes del Grupo de Demandantes en este caso son los Demandantes Christopher Walker, Kim Sterling y Ernie Fisher.

4. ¿Por qué existe una Conciliación?

Los Demandantes y los Demandados no se ponen de acuerdo sobre los reclamos realizados en este litigio. El litigio no se elevó a juicio y el Tribunal no ha tomado ninguna decisión a favor de los Demandantes ni de los Demandados. En su lugar, los Demandantes y los Demandados acordaron resolver el litigio. Los Demandantes y los abogados del Grupo de Demandantes de la Conciliación (“Abogados del Grupo de Demandantes”) consideran que la Conciliación es lo mejor para todos los Miembros del Grupo de Demandantes de la Conciliación debido a los beneficios de la Conciliación y a los riesgos y la incertidumbre asociados con la continuación del litigio y la naturaleza de las defensas presentadas por los Demandados.

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¿QUIÉNES ESTÁN INCLUIDOS EN LA CONCILIACIÓN?

5. ¿Cómo sé si formo parte de la Conciliación?

Usted es un Miembro del Grupo de Demandantes de la Conciliación si era el suscriptor o usuario principal de un número de teléfono celular que recibió llamadas de voz pregrabadas/artificiales de o en nombre del Demandado Highmark Health Options Inc. Usted es Miembro del Grupo de Demandantes de la Conciliación si se ha identificado que su número de teléfono celular (o un número de teléfono celular actual o anteriormente asociado con usted) cumple con la siguiente definición:

- A. Durante el Periodo de la demanda colectiva (del 30 de noviembre de 2016 al 13 de diciembre de 2022), todas las personas dentro de los Estados Unidos que sean suscriptores o usuarios principales de un número de teléfono celular al que el Demandado Highmark BCBSD Health Options Inc. realizó (o hizo realizar en su nombre por el Demandado Cotiviti, Inc.) una llamada telefónica utilizando una voz pregrabada o artificial,
 - 1) cuando dicha llamada a ese número de teléfono celular había dado lugar previamente a (a) una disposición “WRONG_NUMBER” o (b) una disposición “MSG_DECLINED” sin una disposición posterior de “CORRECT_PERSON” o “MSG_HUMAN” y
 - 2) cuando al menos una llamada posterior a ese número de teléfono celular tuviera la disposición “WRONG_NUMBER”, “MSG_MACHINE”, “CORRECT_PERSON”, “MSG_HUMAN”, “HANGUP”, “NO_CONTINUE” o “MSG_DECLIND”.

Esto significa que usted es un Miembro del Grupo de Demandantes de la Conciliación si, desde el 30 de noviembre de 2016 hasta el 13 de diciembre de 2022, los Demandados realizaron una llamada con un mensaje pregrabado a su número de teléfono celular y esta llamada fue contestada, y una llamada anterior posiblemente indicó o debería haber indicado que se alcanzó un número incorrecto y, posiblemente, no hubo ninguna notación posterior de que se alcanzó el número correcto.

No es necesario que usted sepa si las llamadas que se le realizaron en realidad dieron lugar a una de las disposiciones enumeradas anteriormente. Si usted ha recibido un aviso, su número de teléfono celular (o un número de teléfono celular asociado a usted actualmente o con anterioridad) ya ha sido identificado como elegible.

6. ¿Existen excepciones para ser incluido en la Conciliación?

Sí. Quedan excluidas de la Conciliación de demanda colectiva aquellas personas que *solo* recibieron llamadas como parte de una Campaña de COVID; los Demandados y cualquier entidad en la que los Demandados tengan una participación mayoritaria; los agentes y empleados de los Demandados; y cualquier Juez y Juez Magistrado a quien se asigne esta acción y cualquier miembro de su personal y familiares inmediatos.

7. ¿Qué ocurre si aún no estoy seguro de ser parte de la Conciliación?

Si aún no está seguro de si es Miembro del Grupo de Demandantes de la Conciliación, puede visitar el sitio web de la Conciliación en www.hhotcpasettlement.com, o llamar al número gratuito del Administrador de Reclamaciones al 1-800-944-1017.

LOS BENEFICIOS DE LA CONCILIACIÓN: QUÉ OBTIENE SI REÚNE LOS REQUISITOS

8. ¿Qué establece la Conciliación?

Si usted es un Miembro del Grupo de Demandantes de la Conciliación y presenta una reclamación válida y oportuna, es posible que sea elegible para recibir un Pago en efectivo. Los Demandados han aceptado pagar o hacer que se paguen \$1,850,000 para crear un “Fondo de la Conciliación”. El Fondo de la Conciliación se utilizará para pagar las Reclamaciones aprobadas y todos los Costos de la Conciliación (cualquier pago de incentivo a los Representantes del Grupo de Demandantes, los honorarios y costos de abogados adjudicados y cualquier costo asociado con la administración de esta Conciliación).

Su Pago en efectivo será una participación *prorrataada* (es decir, proporcional) de todas las Llamadas elegibles reclamadas durante el Período de reclamaciones. Una llamada elegible es una llamada pregrabada realizada después de una disposición en los registros de los Demandados identificados en (A)(1) de la definición de la Conciliación de Demanda colectiva (ver pregunta 5).

Esto significa que su Pago en efectivo, si lo hubiera, se determinará mediante la siguiente fórmula: (Fondo de la conciliación – Costos de la conciliación) ÷ (Número total de llamadas realizadas a Miembro del Grupo de Demandantes la Conciliación que presentan una reclamación) = Pago en efectivo por llamada. Esto está sujeto a posibles ajustes si varias personas hacen una reclamación por el mismo número de teléfono celular único.

Por ejemplo, si hay \$1,000,000 en el Fondo de la conciliación después de los Costos de la conciliación, y hay 1,000 Miembros del grupo de demandantes de la conciliación que realizan reclamaciones válidas y oportunas, cuya cantidad total combinada de Llamadas elegibles es de 20,000, la participación *prorrataada* sería de \$50 por Llamada (es decir, \$1,000,000 ÷ 20,000).

En este ejemplo, alguien que recibió 20 llamadas elegibles recibiría \$1,000. Este ejemplo es solo para fines ilustrativos. Su Pago en efectivo, si lo hubiera, puede ser significativamente mayor o menor que lo anterior.

Si varias personas presentan una reclamación por el mismo número de teléfono celular único, el Administrador de reclamaciones se pondrá en contacto con cada persona que presentó una reclamación para obtener el mes y año aproximados en que cada persona fue el suscriptor o usuario principal del número de teléfono celular para determinar el pago a los Miembro del grupo de demandantes de la conciliación.

9. ¿Cómo presento una reclamación de Pago en efectivo?

Los Miembros del grupo de demandantes de la conciliación que pretenden un Pago en efectivo deben completar y presentar un Formulario de Reclamaciones al Administrador de Reclamaciones antes del 27 de marzo de 2023. Los Formularios de Reclamaciones pueden enviarse en línea en www.hhotcpasettlement.com o por correo postal. Si se envía por correo postal, el Formulario de Reclamaciones debe enviarse con franqueo postal cuya fecha sea a más tardar el 27 de marzo de 2023.

Usted debe presentar un único Formulario de reclamaciones por cada número de teléfono celular único en el que recibió llamadas telefónicas, independientemente de la cantidad de veces que se le llamó con un número de teléfono celular en particular.

10. ¿A qué renuncio para recibir los beneficios de la Conciliación o permanecer en el Grupo de Demandantes de la Conciliación?

A menos que se excluya (que elija excluirse), usted elige permanecer en el Grupo de Demandantes de la Conciliación. Si la Conciliación se aprueba y es definitiva, todas las órdenes del Tribunal lo

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afectarán y usted estará legalmente obligado. Usted no podrá iniciar una demanda, continuar una demanda ni ser parte de ninguna otra demanda contra los Demandados y las Partes Exentas por los problemas legales de este litigio, resueltos mediante la presente Conciliación. Los derechos específicos a los que usted renuncia se denominan “Reclamaciones exentas”.

11. ¿Cuáles son las Reclamaciones exentas?

En la Sección XII del Acuerdo de Conciliación se describen las Exoneraciones de reclamaciones, utilizando la terminología legal necesaria, por lo tanto, léala detenidamente. El Acuerdo de Conciliación está disponible en www.hhotcpasettlement.com o en los registros judiciales públicos en los archivos de esta demanda. Puede hablar sin costo alguno con los Abogados del Grupo de demandantes que aparecen en la pregunta 15, o puede, por su cuenta y gasto, hablar con su propio abogado si tiene preguntas acerca de las Partes Exentas o Reclamaciones exentas y el significado del vocabulario del Acuerdo de Conciliación. Usted no debe ponerse en contacto directamente con los Demandados si tiene preguntas sobre la conciliación.

CÓMO OBTENER LOS BENEFICIOS DE LA CONCILIACIÓN

12. ¿Cómo realizo una reclamación de los beneficios de la Conciliación?

Para presentar una reclamación de un Pago en efectivo, usted debe presentar oportunamente un Formulario de Reclamaciones válido. Los Miembros del grupo de demandantes de la conciliación que pretenden un beneficio en virtud de la Conciliación deben completar y presentar un Formulario de reclamaciones al Administrador de Reclamaciones, con fecha de franqueo postal o enviado en línea hasta el **27 de marzo de 2023**. Los Formularios de Reclamaciones podrán presentarse en línea en www.hhotcpasettlement.com, o bien, imprimirse desde el sitio web de la Conciliación y enviarse por correo postal al Administrador de reclamaciones a la dirección indicada en el formulario. La forma más rápida de enviar una reclamación es en línea. Los Formularios de Reclamaciones también están disponibles si llama al 1-800-944-1017 o escribe a la siguiente dirección:

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P.O. Box 3937
Portland, OR 97208-3937

13. ¿Qué sucede si mi información de contacto cambia después de que presento una reclamación?

Si usted cambia su dirección postal o dirección de correo electrónico después de presentar un Formulario de Reclamaciones, es su responsabilidad comunicarle al Administrador de Reclamaciones su información actualizada. Usted deberá notificar al Administrador de Reclamaciones cualquier cambio llamando al 1-800-944-1017 o por escrito a la siguiente dirección:

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14. ¿Cuándo recibiré mis beneficios de la Conciliación?

Si usted presenta una Reclamación Válida, el pago será proporcionado por el Administrador de Reclamaciones después de que la Conciliación sea aprobada por el Tribunal y se convierta en definitiva.

Puede tardar para que la Conciliación se apruebe y sea definitiva. Tenga paciencia y consulte www.hhotcpasettlement.com para ver las actualizaciones.

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LOS ABOGADOS QUE LO REPRESENTAN

15. ¿Tengo un abogado en este caso?

Sí, el Tribunal ha designado a Jeremy M. Glapion de The Glapion Law Firm, LLC como Abogado del Grupo de demandantes para representarle a usted y al Grupo de Demandantes de la Conciliación a los efectos de esta Conciliación. Puede contratar a su propio abogado a su costa si desea que otra persona que no sea el Abogado del Grupo de demandantes lo represente en este litigio.

16. ¿Cómo se les pagará a los Abogados del Grupo de Demandantes?

El Abogado del Grupo de Demandantes presentará una moción para solicitarle al Tribunal que otorgue honorarios y costos de abogados que no excedan 1/3 del Fondo de la Conciliación, más los gastos reales del Abogado del Grupo de Demandantes. También pedirán al Tribunal que apruebe un pago de incentivo, que no supere los \$10,000, al Demandante Walker, y pagos de incentivo que no superen los \$2,500 a los Demandantes Sterling y Fisher por su participación en este litigio y por sus esfuerzos para lograr la Conciliación. Si el Tribunal lo otorga, los honorarios y costos de los abogados y los incentivos se pagarán del Fondo de la Conciliación. El Tribunal puede otorgar montos menores que estos.

La solicitud de los honorarios, los costos y los pagos por servicios por parte de los Abogados del Grupo de Demandantes estará a disposición en el sitio web de la Conciliación en www.hhotcpasettlement.com antes de la fecha límite para que usted deje un comentario u objeción para la Conciliación.

OPTAR POR EXCLUIRSE DE LA CONCILIACIÓN

Si usted es un Miembro del grupo de demandantes de la conciliación y desea conservar cualquier derecho que pueda tener de iniciar la demanda o continuar la demanda a los Demandados por su cuenta, según las reclamaciones resultantes de este litigio o resueltas por las Reclamaciones exentas, usted debe seguir los pasos para ser excluido del Conciliación. Esto se conoce cómo excluirse u “optar por no formar parte” de la Conciliación.

17. ¿Cómo me excluyo de la Conciliación?

Para excluirse de la Conciliación, usted debe enviar por correo postal una notificación por escrito al Administrador de Reclamaciones con su intención de excluirse. La notificación por escrito debe estar firmada, incluir su nombre completo, dirección, número de teléfono y el/los número(s) de teléfono celular a los que llamaron los Demandados, y debe indicar claramente que usted desea ser excluido del Grupo de Demandantes de la Conciliación.

La solicitud de exclusión debe tener **franqueo postal** y enviarse al Administrador de Reclamaciones a la siguiente dirección a más tardar el **10 de marzo de 2023**:

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Usted no puede excluirse por teléfono o por correo electrónico.

18. Si me excluyo, ¿puedo obtener algo de la Conciliación?

No. Al excluirse, usted le indica al Tribunal que no quiere formar parte de la Conciliación. Usted solo puede obtener beneficios de la Conciliación si permanece en la Conciliación.

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19. Si no me excluyo, ¿puedo iniciar acciones legales contra los Demandados por lo mismo más adelante?

No. A menos que opte por excluirse, usted renuncia a cualquier derecho a demandar a los Demandados y Partes Exentas por las reclamaciones que esta Conciliación resuelve y Exenciones relacionadas con la presunta infracción de la Ley de Protección al Consumidor Telefónico. Usted debe solicitar ser excluido de este litigio para poder iniciar su propia demanda o continuar con una propia, o ser parte de cualquier otra demanda contra los Demandados o cualquiera de las Partes Exentas. Si usted tiene una demanda en trámite, hable de inmediato con el abogado que lo representa en ese caso.

OBJECIONES A LA CONCILIACIÓN

20. ¿Cómo le informo al Tribunal que no estoy conforme con la Conciliación?

Si usted es Miembro del grupo de demandantes de la conciliación, puede informar al Tribunal que no está de acuerdo con la totalidad o alguna parte de la Conciliación, o de los honorarios y costos solicitados de los abogados. También usted puede exponer las razones por las cuales considera que el Tribunal no debería aprobar la Conciliación o los honorarios y costos de los abogados. Para objetar, usted debe presentar una notificación oportuna por escrito ante el Tribunal según lo dispuesto a continuación a más tardar el **10 de marzo de 2023**, en la que se indique que usted se opone a la Conciliación. La objeción debe incluir toda la siguiente información adicional:

- (1) su nombre completo, dirección y número de teléfono;
- (2) los números de teléfono celular a los que llamaron los Demandados (si es diferente);
- (3) los motivos de su objeción;
- (4) el nombre del abogado de la objeción (si lo hubiera);
- (5) información acerca de otras objeciones que usted o sus abogados hayan presentado en otros casos de demanda colectiva durante los últimos cuatro (4) años; y
- (6) si usted tiene la intención de comparecer en la Audiencia de aprobación final en su propio nombre o a través de un abogado. También se debe adjuntar a la objeción todo documento que la apoye.

Su objeción debe presentarse ante el Tribunal, ya sea presentándola ante el Tribunal o por correo postal a través del correo postal de los EE. UU. al Tribunal, de forma que se **reciba** antes del **10 de marzo de 2023**, a la siguiente dirección:

Clerk of Court
United States District Court
Western District of Pennsylvania
700 Grant Street
Pittsburgh, PA 15219

21. ¿Cuál es la diferencia entre presentar una objeción y pedir la exclusión?

Objetar es simplemente decirle al Tribunal que no le agrada algo sobre la Conciliación o sobre los honorarios y costos solicitados de los abogados. Usted solo puede objetar si permanece en el Grupo de Demandantes de la Conciliación (es decir, si usted no se excluye de la Conciliación). Al excluirse de la Conciliación, le comunica al Tribunal que usted no desea ser parte del Grupo de Demandantes o de la Conciliación. Si se excluye, no podrá oponerse a la Conciliación.

LA AUDIENCIA DE APROBACIÓN DEFINITIVA

22. ¿Cuándo y dónde decidirá el Tribunal si aprueba la Conciliación?

El Tribunal celebrará una Audiencia de aprobación definitiva el **2 de mayo de 2023 a la 1:00 p.m. hora del este** ante el juez Christy Criswell Wiegand en United States District Court, Western District of Pennsylvania, Joseph F. Weis, Jr. U.S. Courthouse, Courtroom 9B, 700 Grant Street, Pittsburgh, PA 15219.

En esta audiencia, el Tribunal evaluará si la Conciliación es justa, razonable y adecuada, y decidirá si aprobar la Conciliación; la solicitud de los honorarios y los costos de los abogados por parte de los Abogados del Grupo de Demandantes; y los pagos de incentivos a los Demandantes. Si existiesen objeciones, el Tribunal las evaluará. El Tribunal también escuchará a las personas que hayan solicitado hablar en la audiencia.

Nota: La fecha y hora de la Audiencia de Aprobación Definitiva están sujetas a cambios. El Tribunal también puede decidir celebrar la audiencia vía Zoom o por teléfono. Cualquier cambio se publicará en www.hhotcpasettlement.com.

23. ¿Tengo que asistir a la Audiencia de Aprobación Definitiva?

No. Los Abogados del Grupo de Demandantes responderán todas las preguntas que el Tribunal pueda tener. Sin embargo, usted puede asistir por su cuenta si lo desea. Si usted envía una objeción, no es necesario que asista al Tribunal para hablar al respecto. Siempre que presente una objeción en el lugar o por correo postal a tiempo, el tribunal la considerará.

24. ¿Puedo declarar en la Audiencia de Aprobación Definitiva?

Sí, siempre y cuando usted no se excluya (elija excluirse), usted podrá participar y hablar en su nombre en este litigio y la Conciliación (pero no está obligado a hacerlo). Esto se conoce como la comparecencia. Asimismo, usted puede hacer que su abogado haga uso de la palabra en su nombre, pero usted deberá pagar el abogado a su costa.

Si usted desea comparecer, o si desea que su propio abogado en lugar del Abogado del Grupo de Demandantes hable en su nombre en la audiencia, usted debe seguir todos los procedimientos para oponerse a la Conciliación enumerados en la Sección IX e incluir específicamente una declaración de si usted y su abogado comparecerán en la Audiencia de aprobación final.

SI DECIDE NO HACER NADA

25. ¿Qué sucede si no hago nada?

Si es Miembro del Grupo de Demandantes de la Conciliación y no hace nada, no obtendrá ningún beneficio de la Conciliación. Usted también renunciará a los derechos explicados en la sección “Excluirse de la Conciliación” de esta notificación (consulte las preguntas 10 y 19 mencionadas anteriormente), incluido su derecho a iniciar una demanda, continuar una demanda o ser parte de cualquier otra demanda contra los Demandados o cualquiera de las Partes Exentas respecto de los problemas legales en este litigio y resueltos por el Acuerdo de Conciliación.

CÓMO OBTENER MÁS INFORMACIÓN

26. ¿Cómo puedo obtener más información?

Este Aviso resume la Conciliación propuesta. El Acuerdo de Conciliación brinda todos los detalles. El Acuerdo de Conciliación y los documentos relacionados están disponibles en www.hhotcpasettlement.com, llamando al 1-800-944-1017 o escribiendo a:

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**NO LLAME POR TELÉFONO AL TRIBUNAL O EL SECRETARIO DEL TRIBUNAL EN
RELACIÓN CON ESTE AVISO.**

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Attachment 6



CA40059964 - Walker v Highmark BCBS Health
Requests for Exclusions

Number	Name
1	[REDACTED]
2	[REDACTED]